IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition Lodging No.299 of 2007
with
Writ Petition Lodging No.311 of 2007
with
Writ Petition Lodging No.312 of 2007
with
Writ Petition Lodging No.313 of 2007
with
Writ Petition Lodging No.314 of 2007
with
Writ Petition No.352 of 2007
with
Writ Petition Lodging No.316 of 2007
with
Writ Petition Lodging No.317 of 2007

Sunil Trilokchand Agarwal and anr. ..Petitioners.
Vs
The State of Mah and Ors ..Respondents
Mr.N.V. Walawalkar with Mr. Birendra Saraf i/b M/s Nitin Nikam and Co for the petitioners
Mr K.K. Singhvi with A.K. Savla for Mun Corporation.
Ms Kiran Bhagalia for MMRDS – respondent No.3.
Mr K.R.Belosey GP in W.P Nos 316, 317 and 352 of 2007
Mr. Pradeep Jadhav AGP in WP Nos 299,311,& 312 of 2007
Mr P.G. Sawant AGP in WP Nos 313 and 314 of 2007

CORAM: SWATANTER KUMAR,C.J.,&
S.R.SATHE, J.

DATE: APRIL 3, 2007.

P.C.:-

Heard the learned counsel for the parties. According to the petitioners they have already suggested alternate sites to respondent No.3 and respondent No.3 is considering the matter.

2. The learned counsel for respondent No.3 submits that the authority cannot be bound with the option exercised by the petitioners and they have to take a decision in the larger interest of the public in view of the policy framed by respondent No.3. Having heard the learned counsel for the parties on this aspect of the matter, we direct respondent No.3 to consider the suggestions made by the petitioners. However, they will not be bound to make allotment of such place as suggested by the petitioners, but the allotment they would make is expected to be reasonable and fair in its different facets. Further more if the allotment to be made by respondent No.3 is not accepted by the petitioners, eviction order as regards the possession of the petitioners' premises shall not be given effect to for a period of 15 days from the date of such communication.

3. Petition is disposed of accordingly, leaving the parties to bear their own costs.

CHIEF JUSTICE

S.R.SATHE,J.